

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE THOTTATHIL B.RADHAKRISHNAN

WEDNESDAY, THE 17TH OCTOBER 2007 / 25TH ASWINA 1929

WP(C).No. 30730 of 2007(G)

PETITIONER:

M.I.ANTONY, AGED 81, S/O.MECHERY
ITTIERA, KOOVATHUKUNNU P.O.
MELOOR VILLAGE, MUKUNDAPURAM TALUK.

BY ADV. SRI.G.SREEKUMAR (CHELUR).

RESPONDENTS:

1. THE ASSISTANT EXECUTIVE ENGINEER,
ELECTRICAL DIVISION, CHALAKUDY.
2. THE ASSISTANT ENGINEER,
ELECTRICAL SECTION, MELOOR.
3. THE VILLAGE OFFICER, MELOOR VILLAGE
OFFICE, THRISSUR DISTRICT.
4. THE DEPUTY TAHSILDAR, REVENUE RECOVERY,
MUKUNDAPURAM TALUK OFFICE.
5. THE KERALA STATE ELECTRICITY BOARD,
REP. BY ITS SECRETARY, VAIDHUTHI BHAVAN,
PATTOM, THIRUVANANTHAPURAM.

BY ADV. SRI. P.P. THAJUDEEN, SC.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 17/10/2007, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

Thottathil B. Radhakrishnan, J.

=====

W.P.(C)No.30730 of 2007

=====

Dated this the 17th day of October, 2007.

JUDGMENT

Heard the learned counsel for the petitioner, the learned standing counsel for respondents 1, 2 and 5 and the learned Government Pleader for respondents 3 and 4.

2. Having regard to the totality of the facts and circumstances, it is necessary that the first respondent takes up Ext.P6, though the same has been placed before the Tahsildar (RR). It is also necessary that the petitioner is afforded an opportunity to place further materials before the first respondent and for a personal hearing in the matter, at least through an authorised representative, having regard to his age.

3. According to the petitioner, the period of

minimum guarantee agreement had expired in 2001 and therefore there is no jurisdiction to demand minimum guarantee charges after that date. It is his further contention that sometime in 1997, having regard to the additional connections granted from the line in question, it has become commercially viable and it was no more the requirement to insist all minimum guarantee payments by the petitioner.

4. The aforesaid issues would be considered and a final decision taken within an outer limit of four months from the date of receipt of a copy of this judgment. The petitioner may place such other materials, as he may desire, before the first respondent for consideration.

5. Till the aforesaid decision is taken, none of the immovable properties of the petitioner shall be alienated or encumbered. On such condition, the impugned recovery

proceedings will stand deferred till a decision is taken by the first respondent, as directed above.

Writ petition is disposed of in the above terms.

**Thottathil B.Radhakrishnan,
Judge.**

sl.